

**BEST AVAILABLE COPY** PATENTS  
514453-3916**REMARKS**

Reconsideration and withdrawal of the rejections of the application respectfully requested in view of the amendments, remarks and enclosures herewith, which place the application in condition for allowance.

**I. STATUS OF CLAIMS AND FORMAL MATTERS**

Claim 1 has been amended to further define the variables a and b and also to delete from the scope of the invention reference to compounds where T is cyclopentane 1,3-diyl. Claims 13-17 describe further embodiments of the invention. Example of support for these claims can be found as follows:

Claim 13 – page 54, line 27;

Claim 14 – Claim 13 plus feature of claim 4

Claim 15 – Claim 14 plus feature of claim 5

Claim 16 – Claim 7 plus features of claims 2 and 4

Claim 17 – Claim 7 plus features of claims 2 and 5

Claims 1-7 and 13-17 are now pending. No new matter has been added.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art cited in the Office Action, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The amendments of the claims, as presented herein, are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101 or 112.

**II. THE 35 U.S.C. §102(b) REJECTIONS HAVE BEEN OVERCOME**

Claim 1 was rejected as being anticipated by:

CA 130:3810	CA 129:175594	CA 125:10674	CA 108:150363	CA 102:95576
CA 96:52210	CA 89:197380	CA 87:39344	CA 78:97536	CA 73:45428

The Chemical Abstracts relied upon each taught the compound 3-methyl-5-(2-phenylethyl)-isoxazole [27349-48-0] which read upon the definition of claim 1 as previously filed. Claim 1 now requires the additional presence of  $-A^1-M^1-$  which is not taught by the above mentioned Chemical Abstracts and therefore, these references can no longer serve as a basis an anticipation rejection. Withdrawal of the anticipation rejection is respectfully requested.

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Claim 1 was also rejected as being anticipated by CA 130:124916. This Chemical Abstract taught the compound [(3-undecyl-1-cyclopenten-1-yl)methoxyl-benzene [219958-11-9] which read upon the definition of claim 1 as previously filed. Claim 1 now requires the additional presence of  $-A^1-M^1-$  which is not taught by the above mentioned Chemical Abstract and therefore, this reference can no longer serve as a basis an anticipation rejection. Withdrawal of the anticipation rejection is respectfully requested.

### **III. THE 35 U.S.C. §103(a) REJECTION HAS BEEN OVERCOME**

Claims 1-7 were rejected under as being anticipated or in the alternative as being obvious over Krause et al. (U.S. Patent 4,873,019).

It is noted that the claims as amended no longer include T as being cyclopentane-1,3-diyl which was also a key element of the Krause et al. patent. The applicants maintain that this amendment was unnecessary and reserve the right to continue prosecution on this subject matter in a continuing application. However, with the amendment to claim 1, Krause et al. no longer is anticipatory of the claims currently pending and even if there is disagreement with the prior response to the rejection of the claims based on obviousness, which is incorporated here by reference, the claims as amended now include an additional difference between the prior art and the pending claims. For these reasons, the applicants respectfully request the withdrawal of the rejection of claims 1-7 based on Krause et al.

### **CONCLUSION**

In view of the remarks and amendments herewith, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date, and, the Examiner is invited to telephonically contact the undersigned to advance prosecution.

### **REQUEST FOR INTERVIEW**

In the interest of adhering to the tenets of compact prosecution and obtaining good customer service (see page 7 of the FY-2004 Performance and Accountability Report), the applicants request that the teachings of MPEP 707.07(j), sections II and III be applied, especially with regard to the offer of suggestion for correction by the Examiner if the rejections are upheld.

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In accordance with MPEP 713.01, section III, should any issue remain as an impediment to allowance, an interview with the Examiner and SPE are respectfully requested; and, the Examiner is additionally requested to contact the undersigned to arrange a mutually convenient time and manner for such an interview ("An interview should normally be arranged for in advance, as by letter, facsimile, electronic mail, telegram or telephone call, in order to insure that the primary examiner and/or the examiner in charge of the application will be present in the office." *Id.*).

**AUTHORIZATION FOR PAYMENT OF FEES**

The Commissioner is hereby authorized to charge any extension of time requirement or any additional fee which may be required, or credit any overpayment to Account No. 50-0320.

Respectfully submitted,

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